

Notice of Allowability

Application No.

10/063,361

Examiner

Thomas M. Ho

Applicant(s)

STRINGER ET AL.

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/16/02.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☒ The drawings filed on 4/16/02 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 6/04/02, 5/21/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Reasons for Allowance

The Examiner's independent search has confirmed Stefik et al. as being the closest art to applicant's invention. Applicant has identified Stefik et al., US patent 5629980 in the Information Disclosure Statement of Jun 4th, 2002. The Examiner has used a substantially similar patent also by Stefik et al., US patent 5,638,443 which is drawn towards a near identical specification.

Stefik et al discloses a method for a first user to provide secure access to electronic documents or services stored on a document server located on a network to a second user, and where both the first user, the second user, and the document server have each associated therewith a public key that is associated with a corresponding private key (Column 26, lines 62-67) & (Column 27, lines 23-47) & (Column 28, line 44-65) , the method performed on the document server comprising:

- Exchanging public keys with the first user to establish a first secure session; (Column 27, lines 23-47) & (Column 28, line 44-65)
- Receiving from the first user a request to list a file directory; (Column 38, lines 45-65)
- Authenticating the first user's access to the file directory using credentials provided by the first user when the first secure session is established; (Column 38, line 66 – Column 39, line 5)

- Transmitting to the first user a listing of the file directory server over the first secure session; the listing identifying a set of paths to content available on the document server; (Column 38, lines 54- column 39, line 34)
- Exchanging public keys with the second user to establish a second secure session; (Column 28, lines 44-65) & (Column 27, lines 23-47)
- Receiving from the second user a request for access to selected content on the document server; (Column 6, lines 23-34) the request for access including a token identifier that is recorded at the document server and associated with a path from the set of paths to the selected content available on the document server; (Column 8, lines 60-65) & (Column 31, lines 1-15) & (Column 34, lines 24-30, 53-58)
- Authenticating the request for access using: (a) the public key of the second user received from the second user while establishing the second secure session, and (b) a digital signature signed using the private key of the first user that is a signed cryptographic digest of the public key of the second user and other information relating to the request for access to the selected document content on the document server; and (Column 13, lines 17-25)
- Providing the second user with access to the selected content over the second secure session if the request for access is authenticated. (Column 6, lines 35-47)

However, it is of particular note that the equivalences between the parties performing the recited limitations between Stefik et al. and claim 1 cannot be maintained consistently.

The Applicant discloses three parties, the first user, the second user, and document server.

Stefik et al. discloses a creator, repository 1, repository 2, authorization repository, rendering repository, master repository.

The first key exchange is performed between a first repository and second repository, where repository 1 can be said to be equivalent with the first user, repository 2 is equivalent to the second user, and the public key that is exchanged is stored as part of the certificate that is transmitted. Stefik et al. also goes on to say that "The registration must be symmetrical so that same set of steps will be repeated for repository-2 registering its identity with repository 1." (Column 27, lines 27-30)

In this case, the Examiner has established equivalence as follows:

Repository 1 = first user, Document server

Repository 2 = second user

Figure 1, of Stefik et al. clearly shows the repository 2 requests access to the digital work from repository 1. Elements 104 and 105 show that repository 1 shows an authentication process of sorts. However, Stefik et al. does not disclose an embodiment with regards to the equivalence as set forth by the examiner wherein, the first user would request a list to a file directory and to check that directory listing.

- Receiving from the first user a request to list a file directory; (Column 38, lines 45-65)

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- Authenticating the first user's access to the file directory using credentials provided by the first user when the first secure session is established; (Column 38, line 66 – Column 39, line 5)
- Transmitting to the first user a listing of the file directory server over the first secure session; the listing identifying a set of paths to content available on the document server; (Column 38, lines 54- column 39, line 34)

(Column 38, lines 45 – Column 9, 34) discloses a method by Stefik et al. that shows that a user making directory requests to a server. However, if repository 1 is to act as the storage from which repository 2 acquires the data, as shown in Figure 1, Repository 1 would act as the document server. The server itself would not be a user of the content but rather a distributor. To request a display or listing of the directory and to authenticate that access is disclosed by Stefik et al. as an action that Repository 2 would perform, but not repository 1.

The Examiner has also considered an alternative set of equivalences to “fit the claim”. In an alternative set,

Repository 1 would act as a the second user, document server.

Repository 2 would act as the first user.

In this case, Stefik et al. would adequately disclose the limitations as such:

- *Receiving from the first user a request to list a file directory; (Column 38, lines 45-65)*

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- *Authenticating the first user's access to the file directory using credentials provided by the first user when the first secure session is established; (Column 38, line 66 – Column 39, line 5)*
- *Transmitting to the first user a listing of the file directory server over the first secure session; the listing identifying a set of paths to content available on the document server; (Column 38, lines 54- column 39, line 34)*

However, such a set of equivalences would then fail to establish these limitations because Stefik et al. does not disclose repository 1 downloading from repository 2:

- *Receiving from the second user a request for access to selected content on the document server; (Column 6, lines 23-34) the request for access including a token identifier that is recorded at the document server and associated with a path from the set of paths to the selected content available on the document server; (Column 8, lines 60-65) & (Column 31, lines 1-15) & (Column 34, lines 24-30, 53-58)*
- *Authenticating the request for access using: (a) the public key of the second user received from the second user while establishing the second secure session, and (b) a digital signature signed using the private key of the first user that is a signed cryptographic digest of the public key of the second user and other information relating to the request for access to the selected document content on the document server; and (Column 13, lines 17-25)*
- *Providing the second user with access to the selected content over the second secure session if the request for access is authenticated. (Column 6, lines 35-47)*

Therefore, while Stefik et al. discloses the functional limitations of claim 1, Stefik et al. does not disclose an embodiment that would maintain a set of equivalences consistent to meet Applicant's claim.

Stefik et al. however additionally to disclose the following:

- A method where the first user is a registered user of the document server and the second user is not a registered user of the document server

No art has been found that would suggest an alternative set of embodiments to reject the elements of claim 1 nor can any art be found where the first user is a registered user of the document server and the second user is not a registered user of the document server. No motivation can be found to combine. For these reasons, claim 1 has been held to be allowable.

Claims 13 and 17 are substantially similar to claim 1 and are allowable for the same reasons.

Claims 2-12, 14-16, 18-20 are dependent on claims 1, 13, 17 are allowable because their independent claims are allowable.

Conclusion

2. Any inquiry concerning this communication from the examiner should be directed to Thomas M Ho whose telephone number is (571)272-3835. The examiner can normally be

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reached on M-F from 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,
Gregory A. Morse can be reached on (571)272-3838.

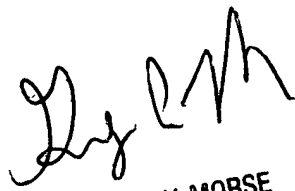
The Examiner may also be reached through email through Thomas.Ho6@uspto.gov

Any inquiry of a general nature or relating to the status of this application or proceeding should
be directed to the receptionist whose telephone number is (571)272-2100.

General Information/Receptionist	Telephone: 571-272-2100	Fax: 703-872-9306
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July 29th, 2005


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